

SENATE BILL 600

By Norris

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2 and Title 40, Chapter 23, Part 1, relative to the sentence of death and methods of execution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-23-114, is amended by designating the existing language of § 40-23-114(d) as (d)(1) and by adding the following new (d)(2):

(2) If the protocol by which death by lethal injection is administered is held to be unconstitutional by the Tennessee supreme court under the Constitution of Tennessee, or held to be unconstitutional by the United States supreme court under the United States Constitution, or if the United States supreme court declines to review any judgment holding the protocol by which death by lethal injection is administered to be unconstitutional under the United States Constitution made by the Tennessee supreme court or the United States court of appeals that has jurisdiction over Tennessee, or if the Tennessee supreme court declines to review any judgment by the Tennessee court of criminal appeals holding the protocol by which death by lethal injection is administered to be unconstitutional under the United States or Tennessee constitutions, all persons sentenced to death for a capital crime shall be executed by any lethal injection protocol that has been determined to be constitutional by the United States supreme court or the Tennessee supreme court.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.